

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:08-CV-236-BR

CONNIE JONES and STACY P. McCRAE,)	
)	
Plaintiffs,)	
v.)	MOTION FOR PROTECTIVE
)	ORDER TO STAY DISCOVERY
AMERICAN AIRLINES, INC.,)	(Fed R. Civ. P. 26(c)-(d), Local
)	Civil Rules 7.1(c), 26.1(d), EDNC)
Defendant.)	

Pursuant to Rules 26(c) and (d) of the Federal Rules of Civil Procedure and Local Civil Rules 7.1(c) and 26.1(d), EDNC, Defendant American Airlines, Inc. (“American”) asks this Court to enter a protective order, staying the entry of any scheduling order and the commencement of discovery until this Court has decided American’s Motion to Dismiss, which has been fully briefed and is pending before this Court. This Court should grant the requested stay because: (i) American has asked this Court to dismiss with prejudice all claims asserted by Plaintiffs; (ii) if the Motion is granted, then no discovery would be necessary or appropriate; and (iii) even if the Motion is not granted in its entirety, the proper scope and sequencing of discovery in this purported class action will not be clear until this Court issues its ruling.

On Wednesday, October 8, counsel for American conferred with both lead and local counsel for Plaintiffs regarding this motion. Counsel for Plaintiffs reported that they would respond to counsel for American on Monday, October 13. Counsel for American agreed to wait until that Monday to file the motion, but explained that it did not wish to wait longer because this Court has ordered the parties to convene a Rule 26(f) conference by November 3, and American hopes to bring this motion to the attention of this Court before that date. After failing to receive the promised response, counsel for American again attempted to confer with lead and local

counsel for Plaintiffs by e-mail and phone on Monday, October 13, and Tuesday, October 14. Counsel for Plaintiffs have not responded to those inquiries. Accordingly, counsel for American certifies that while they have attempted to confer, in good faith, with counsel for Plaintiffs in connection with this motion, they are unable to advise this Court of Plaintiffs' position because counsel for Plaintiffs simply have not responded to their inquiries.

Based on the arguments and authorities set forth herein and in the Memorandum of Law in Support of Motion for Protective Order to Stay Discovery, American respectfully requests that this Court enter a protective order, staying the entry of any scheduling order and the commencement of discovery until this Court decides American's Motion to Dismiss.

This the 15th day of October 2008.

SMITH, ANDERSON, BLOUNT, DORSETT,
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By: /s/ Zebulon D. Anderson

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CERTIFICATE OF SERVICE

I hereby certify that, on October 15, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, which will send notification of such filing to the following:

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This 15th day of October 2008.

/s/ Zebulon D. Anderson
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